

Report Date: March 8, 2006

**United States District Court**

**for the**

**Eastern District of Washington**

**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

**MAR 13 2006**

**JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Dawayne D. Butler

Case Number: 2:97CR00140-001

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley

Date of Original Sentence: 12/19/1997

Type of Supervision: Supervised Release

Original Offense: Bank Robbery, 18 U.S.C. § 2113(a)

Date Supervision Commenced: 09/07/2005

Original Sentence: Prison - 57 months;  
TSR - 36 months

Date Supervision Expires: 03/06/2007

---

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

Amended Special Condition 20: You shall abstain from the possession and/or use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Amended Special Condition 15: You shall abstain from the possession and/or use of alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Special Condition 21: You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

**CAUSE**

Based on the United States v. Stephens (9<sup>th</sup> Cir. 2005) case, probation is requesting the above noted modifications. Also, probation believes the requiring Mr. Butler to abstain from places where alcohol is the primary commodity of sale will also assist him from being tempted to ingest alcohol.

Respectfully submitted,

by 

Missy K. Kolbe  
U.S. Probation Officer  
Date: March 8, 2006

---

Prob 12B

**Re: Butler, Dawayne D.**

**March 8, 2006**

**Page 2**

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



\_\_\_\_\_  
Signature of Judicial Officer

March 13, 2006

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

Amended Special Condition: You shall abstain from the possession and/or use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

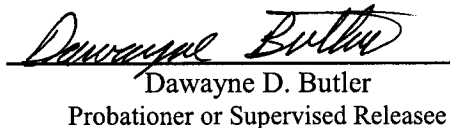
Amended Special Condition: You shall abstain from the possession and/or use of alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Special Condition: You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

Witness:

  
Missy K. Kolbe  
U.S. Probation Officer

Signed:

  
Dawayne D. Butler  
Probationer or Supervised Releasee

March 8, 2006

Date